

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

STEPHEN ELLICOTT,

Plaintiff,

v.

ARTHUR HENNESSEY, et al.,

Defendants.

**Civil Action No.
17-12303-FDS**

PRELIMINARY INJUNCTION ORDER

SAYLOR, J.

After consideration of the pleadings submitted by plaintiff in connection with its Motion for Injunctive Relief, filed March 30, 2018, by plaintiff Stephen Ellicott, and for the reasons stated on the record at the April 19, 2018 status conference, it is hereby ORDERED as follows:

1. Except in the ordinary course of business, American Capital Energy, Inc. (“ACE”) and its officers, directors, agents, servants, employees, and attorneys, are enjoined from transferring any assets, except in connection with the deal already underway between ACE and Dalian, and from making any payments of funds, until further order of the Court, including:
 - a. Making any payments or distributions (other than wages and reasonable out-of-pocket expense reimbursement) to any of its officers, directors, employees, attorneys, shareholders, or representatives;
 - b. Selling, hypothecating, encumbering, pledging, or transferring any of its corporate assets;

- c. Destroying or altering any of its financial records, including (without limitation) all non-public records of bank accounts, financial statements, ledgers, balance sheets, summaries of assets, loan documents, and settlements of claims that are the subject of these proceedings; and
 - d. Undertaking any other activities or transactions that would diminish or encumber the value of ACE and/or any of its assets, or otherwise adversely impact ACE's ability to satisfy ACE's ability to satisfy a judgment in this matter in favor of Ellicott.
2. This order shall take effect immediately. Plaintiff is directed to post a bond in the amount of \$100,000 or file an affidavit indicating an inability to post a bond due to financial hardship. If plaintiff fails to comply within 14 days, the injunction will be dissolved.

So Ordered.

Boston, Massachusetts, 5:13 p.m.
Dated: April 19, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge